

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD JAMES PRICE,)
Plaintiff,)
v.) C.A. No. 23-25 Erie
ERIE COUNTY COURTHOUSE, et al.,) District Judge Susan Paradise Baxter
Defendants.) Chief Magistrate Judge Richard Lanzillo

MEMORANDUM ORDER

Plaintiff Edward James Price, an inmate currently incarcerated at the Mercer County Jail in Mercer, Pennsylvania, initiated this *pro se* civil rights on February 8, 2023, by submitting a complaint without an accompanying motion to proceed *in forma pauperis* (“ifp motion”) or payment of the filing fee. [ECF No. 1]. Plaintiff subsequently filed an ifp motion on March 29, 2024 [ECF No. 5]; however, the motion was dismissed by Order dated August 29, 2023, due to Plaintiff’s failure to file a supporting affidavit and a certified copy of his inmate account in accordance with 28 U.S.C. §1915(a)(1) and (2), and this case was administratively closed pending Plaintiff’s payment of the filing fee or submission of another ifp motion with the required supporting documents. [ECF No. 13].

Plaintiff filed a second ifp motion on October 2, 2023 [ECF No. 20], and a supporting declaration on October 12, 2023 [ECF No. 23]. Plaintiff’s second ifp motion was granted and this case was reopened.

On February 6, 2024, Chief Magistrate Judge Lanzillo dismissed Plaintiff’s complaint without prejudice and ordered Plaintiff to file an amended complaint. [ECF No. 29]. In

particular, Judge Lanzillo found that Plaintiff's original allegations were too vague and conclusory and failed to name the appropriate individuals who were personally responsible for the allegedly unlawful conduct and harm Plaintiff claims to have suffered. (*Id.*). Pursuant to the Order, Plaintiff was to have filed the amended complaint by February 24, 2024. This date was subsequently extended to March 7, 2024, *sua sponte*, by Order dated February 9, 2024 [ECF No. 30]. Both the February 6, 2024, and the February 9, 2024, Orders were returned as undeliverable.

On July 17, 2024, after Plaintiff failed to file an amended complaint or to otherwise contact the Court since his October 12, 2023 filings, Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that this case be dismissed for Plaintiff's failure to prosecute. [ECF No. 31]. Objections to the R&R were due to be filed by August 5, 2024; however, no timely objections have been filed.

AND NOW, this 20th day of September, 2024;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute. The Report and Recommendation of Chief Magistrate Judge Lanzillo, dated July 17, 2024 [ECF No. 31], is adopted as the opinion of this Court.

The Clerk is directed to mark this case CLOSED.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge